

FEBRUARY 21, 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

08 C 1069

YRC LOGISTICS, INC.,)
)
Plaintiff,)
)
v.) No.
)
MILAN EXPRESS, INC.,)
)
Defendant.)

**JUDGE HART
MAGISTRATE JUDGE ASHMAN**

COMPLAINT

Now comes YRC Logistics, Inc. ("YRC"), by its undersigned attorneys, and complains of Defendant, Milan Express, Inc. ("Milan"), as follows:

1. This is an action under the Carmack Amendment, 49 U.S.C. § 14706, for loss or damage to property transported in interstate commerce by Milan.

2. YRC is successor to Meridian IQ ("Meridian"), a logistics company that, during 2006, did business in Bolingbrook, Illinois.

3. Milan is a motor carrier transporting freight in interstate commerce. Milan's registered agent for service of process in the State of Illinois is Anthony L. Young, 100 East Huron Street, Suite 2004, Chicago, IL 60611.

4. As a logistics provider, Meridian arranged for transportation services for Samsung Electronics ("Samsung") and is the assignee of the claim of Samsung set forth in this complaint.

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1337(b).

6. Venue in this Court is proper because:

a. The shipment at issue originated at Bolingbrook, Illinois, within the judicial district of the United States District Court for the Northern District of Illinois;

b. Milan was the originating and delivering carrier of the subject shipment; and

c. Milan operates as a motor carrier in and through the judicial district of the United States District Court for the Northern District of Illinois.

7. On July 21, 2006, Milan received twenty pieces of freight—boxes containing widescreen televisions—in good order and condition from Samsung at Bolingbrook, Illinois, for transportation to Sam's Distribution Center, Villa Rica, Georgia.

8. On July 21, 2006, Milan issued and signed a straight bill of lading referencing number 0008-1799040 for the property described above. A copy of the straight bill of lading is attached to this complaint as Exhibit A.

9. Milan also issued its original freight bill, 008-1799040, identifying transportation charges for transportation of twenty pieces, described as TVs, received at Bolingbrook, Illinois, on July 21, 2006, for transportation to Sam's Distribution Center, Villa Rica, Georgia. A copy of the original freight bill issued by Milan is attached to this complaint as Exhibit B.

10. On August 22, 2006, Milan tendered delivery of only four of the twenty units listed on the bill of lading (Exhibit A) and in the Milan freight bill (Exhibit B).

11. Milan failed to deliver the remaining sixteen pieces described in its bill of lading and its original freight bill.

12. The invoice value of the sixteen pieces received by Milan for transportation to Sam's Distribution Center under a single bill of lading (see Exhibit A), but not delivered by it, totals \$21,360.

13. On September 12, 2006, Meridian, on behalf of Samsung, filed a claim with Milan for damages resulting from the loss or nondelivery of the sixteen pieces which Milan received but did not deliver to Sam's Distribution Center, including freight charges of \$273.27 which Milan invoiced and which Meridian paid under Milan's freight bill number 008-1799040.

14. Milan declined that claim on October 11, 2006, and again on December 17, 2006.

15. YRC paid Samsung for the loss identified in the claim filed against Milan.

WHEREFORE, YRC Logistics, Inc., as successor to Meridian IQ, assignee of Samsung Electronics, Inc., prays that judgment be entered against Defendant, Milan Express, Inc., in the amount of \$21,633.27.

Respectfully submitted,

YRC LOGISTICS, INC.

By: s/Bruce C. Spitzer

Bruce C. Spitzer
Metge, Spitzer & Kreid
30 West Monroe Street, Suite 630
Chicago, Illinois 60603
(312) 580-1710
ARDC No. 2691604

SR* MUST BE LEGIBLY FURNISHED BY THE AGENT
SAMSUNG ELECTRONICS AMERICA, INC.
1000 Veterans Pkwy Unit A
Bolingbrook, IL 60440
SEAL NO: 01799040

CONSIGNEE AND DESTINATION
SAMS DISTRIBUTION CENTER 6499
770-459-1700
140 North Fleet Drive
Villa Rica, GA 30180
(Mail or street address of consignee - For purpose of not fiction only.)

SHIPPER 07/21/2006
RELEASE NO 649974
CUSTOMER PHONE NO 770-459-1700
6499639602
FREIGHT CHARGE
If charges are to be prepaid, write or stamp here, "To Be Prepaid."

QUANTITY	DESCRIPTION	WEIGHT
20	SP54223K/XAA B/L# 0081798867 PO# 6499639602 SP-S4223,D75A,42,PDP-TV,UNITED STATES 631279229	1780
20	DRIVER'S COUNT PCS RECEIVED DRIVER'S SIGNATURE CARRIER TRAILER # MERIDIAN IQ CHECKER MERIDIAN IQ LOADER TIME LOAD COMPLETED	1780
20	TOTAL PACKAGES	1780

Subj: Section 7 of Conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.
SAMSUNG ELECTRONICS AMERICA, INC.
(Signature of Consignor)
Base vol \$
to apply in prepayment of the charges on the property described hereon.
(Agent or Cashier)
Per
(The signature here not acknowledged only the amount prepaid)
Charges Advanced \$
C.O.D. CHARGE TO BE PAID BY
SHIPPER ☐
CONSIGNEE ☐
C.O.D. AMT. \$
REMIT C.O.D. TO (ADDRESS):

Send PREPAID freight Bill and copy of signed B/L to:
Samsung USA
c/o Meridian IQ
PO Box 780

DELIVER ON:
07/28/06
07/23/06
of 1
0000648974

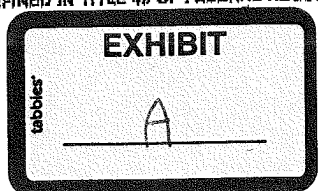
1. If the shipment moves between two points by a carrier by water, the instructions for the bill of lading shall state whether it is carrier's or shipper's weight.
2. The form is to be used for all shipments of goods, wares, merchandise, and all other requirements of Consolidated Freight Classification.
3. Shipper's (print) name, address, city, state, and zip code must be approved by the International Commerce Commission.
Note - When the rate is dependent on value, shipper also required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not
exceeding \$ per
This is to certify that all the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.
X

SAMSUNG ELECTRONICS AMERICA, INC.

Shipper

Agent must detach and retain this Shipping Order and must sign the Original Bill of Lading.

PERMANENT POSTOFFICE ADDRESS OF SHIPPER
"MARK WITH "X" TO DESIGNATE HAZARDOUS MATERIAL AS DEFINED IN TITLE 49 OF FEDERAL REGULATIONS.



MILANGeneral Offices
P.O. Box 699 Milan, TN 38358
Tel: (731) 686-7428

ORIGINAL FREIGHT BILL

www.milanexpress.com

ORIGINAL

82206

Dest. Code

Freight Bill Number

009

008-1799040

REMIT TO: P.O. BOX 116074 ATLANTA, GA 30368-6074

CONSIGNEE SAMS DC 6499

0202434 140 FLEET DRIVE

SADDLE CREEK

VILLA RICA, GA 30180

CUSTOMER ORDER NO. 6499639602

SHIPPER SAMSUNG ELECTRONICS

1000 VETERANS PARKWAY UNIT A

0232062 1MERIDIAN IQ

BOLINGBROOK, IL 60440

S/N,B/L or G.B.L. 0081798867 648974

AUG 28 2006

BILL TO

SAMSUNG USA

0237133 1MERIDIAN IQ

P O BOX 769

GREENWOOD, IN 46142

RECEIVED

AT

TRAILER

DATE
072106BILL/RATE
CHAB401ORG
CHIDEST
ATL

FROM

DATE

PRO

Routed to

AT

H/U	HM	DESCRIPTION	WEIGHT	RATE	CHARGES
		***** * Please pay this amount... *****		US	207.11*
20		PIECES SP S4223 D75A 42 PDP TV UNITED STAC85 PHN# 770 459 1700 NOTIFY CHARGE RATED WITH DEFICIT WEIGHT OF 18.25% SAMSUNG/USF LOGISTICS FUEL S 76.0% discount...	1,780 220 1,780	36.49 36.49	649.52 80.28 31.96 554.65
20		PREPAID TOTALS			207.11

This is your invoice. No other will be sent.
Pricing incentive / discounts may not apply
If freight charges are not paid within 15 days.

ORIGIN C/L	MLXP	DEST C/L	TERMS	AMOUNT DUE
			PREPAID	207.11

EXHIBIT

tabbles

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